REMARKS

Claims 1-11, 16-19, and 21 are canceled. Claims 12-15, 20, and 22-70 are pending. With this Response, Applicants amend claims 12-14, 20, 22, 23, 25, 28, 32, 36, 43, 50, 57, 61, 64, and 65. All pending claims are shown in the detailed listing above.

Specification

The Examiner states, "The amendment filed 9/25/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure 35." Office Action, p. 3. According to the Examiner, "The added material which is not supported by the original disclosure is as follows: '*This information for the broadcasting program--such as title, program ID, information on the broadcast such as broadcasting service, time and duration, and information on contents such as synopsis, review, and casting--is 'data about data' or 'metadata'* (page 2, first paragraph of the response filed 9/25/2006).'" Id. The Examiner further states, "The amendment filed 5/12/2004 remains objected to under 35 U.S.C. 132(a) because in introduces new matter into the disclosure." Id. In this respect, the Examiner asserts, "The added material, which is not supported by the original disclosure, is as follows: '*document contents such as a title, a summary and the like of a television program can generally be considered metadata.*'" Id.

In the "Response to Arguments" section of the Office Action, the Examiner states, "Applicant's arguments filed 9/25/2006 have been fully considered but they are not persuasive." Id. at p. 9. Concerning Figures 5 and 6 of the Application as filed, the Examiner points to a passage from the written description and argues, "Applicant's showing that an electronic document has required and optional elements does not substantiate '*metadata*'." Id. at p. 10. Similarly, with respect to Figure 2, the Examiner points to a passage from the written description and argues, "Applicant's showing that a syntax structure has required and optional elements does not substantiate '*metadata*'." Id.

Applicants respectfully disagree. The Examiner has not considered the disclosure of the Application as a whole in concluding (incorrectly) that "metadata" is new matter. Specifically, the drawing figures form a part of the disclosure of an application. See MPEP § 608.02; see also 35 U.S.C. § 113 ("The applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented."). Indeed, the MPEP states, "Applicant may rely for disclosure upon the specification with original claims *and drawings*, as filed." MPEP § 608 (emphasis added). The Applicants have provided numerous drawings--i.e., Figures 1 through 12--in the originally filed Application which fully support "metadata."

In the Office Action the Examiner stated, "The Examiner does not dispute applicant's definitions related to metadata." This definition of the term "metadata" is "data about data," which is understood by one of ordinary skill in the art as Applicants fully explained in the Response filed on September 22, 2006. Again, this is confirmed by the reference cited by the Examiner, U.S. Pat. No. 6,847,977 to Abajian ("Abajian"), which recites, "Metadata, literally means 'data about data.' Metadata is data that comprises information that describes the contents or attributes of other data (e.g., media file)." U.S. Pat. No. 6,847,977, col. 4, lns. 19-21.

Figure 2 shows in general that there is data such as "Title", "ProgramID", "Broadcast", "Time", "Duration", "Service", "Content", "Synopsis", "Casting", and "Review" which is about a data "Program." As illustrated in Figure 2, such data about the "Program" data can be arranged in a "syntax structure." Figures 5 and 6 give specific examples for the ordered structure of such data about the program data. Figure 5 discloses that an electronic document for one broadcast program data can have data such as the title "Friends", program identifier "KTLA-2003-0509", broadcast time "2003-05-09 19:00", broadcast duration "30m", and content synopsis "It all begins....". Likewise, Figure 6, discloses that an electronic document for another broadcast program data can have data such as the title "Sesame Street", program identifier "KCET-2003-0509", broadcast time "2003-05-09 12:00", broadcast duration "60m", broadcast service "KCET", and content casting

"Allison Bartlett O'Reilly", "Linda Bove", "Kristen Chenowith", and "Emilio Delgado". Thus, data about data, or "metadata," is fully disclosed in the drawing figures and written description of the Application as filed.

The Examiner's arguments with respect to "metadata" as being new matter for the Application is based on a failure by the Examiner to recognize the various items in both the written description and the drawing figures as "data." The Examiner's position is clearly wrong. For example, Figures 5 and 6 of the Application are identified as views of "electronic documents." See e.g., paragraphs [22] and [47]. One of ordinary skill in the art understand that electronic documents are made up of data.

For all of these reasons, the Examiner's objections under 35 U.S.C. § 132(a) to the amendments to specification in the Preliminary Amendment of May 12, 2004 and the Response of September 22, 2006 cannot stand, and these objections should be withdrawn.

Claim Rejections – 35 USC § 112

Claims 12-15, 20, and 22-70 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, "The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." The Examiner states,

> **Regarding claims 12-15**, the newly amended claims require: "an invalid element to delete a metadata fragment related to a television program", "deletion of said metadata fragment", "identifying said metadata fragment" (claim 12) "the invalid element contains only said metadata fragment to be deleted", "the metadata fragment contained in the invalid element is deleted" (claim 14) and "the to-be-deleted metadata is identified by the invalid element" (claim 15).

Office Action, p. 4. The Examiner also states:

> **Regarding claim 20**, the newly amended claim require: "updating metadata describing a broadcast program", "the metadata is stored in a client",

"requesting an updated version of said metadata from a provider", "indicates that a portion of said metadata is invalid", "deleting said portion of said metadata indicated to be".

Office Action, p. 5. Furthermore, the Examiner states:

> **Regarding new claims 22-70**, the newly amended claims are replete with new matter. Claims 22-70 are directed toward "metadata" of an electronic document, however the originally filed disclosure is silent with respect to metadata. Likewise, the terms "portion of metadata", "metadata stored on a client", "identifying said metadata", "metadata can be indicated to be invalid" and "updating metadata", are not defined nor can they even be found in the disclosure.

Id. For all of these claims 12-15, 20 and 22-70, the Examiner asserts: "The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action."

In the "Response to Arguments" section of the Office Action, the Examiner states, "The examiner does not dispute the definition of the term '*fragment*,' as supplied by the applicant. However, the concept of a '*metadata fragment*' or '*a portion of metadata*' is not supported by the originally filed specification...." Office Action, p. 10.

Applicants respectfully traverse. To advance prosecution of this Application, Applicant has amended the claims to remove all instances of the term "fragment" therefrom, even though this term is fully supported. As discussed above with respect to the objections to the specification, the concept of "metadata" is most certainly disclosed in the Application as filed. Furthermore, the concept of a "portion" of metadata is also disclosed in the Application as filed. For example, the Application as filed discloses deleting a only portion (as opposed to the entirety) of the metadata in an electronic document when only the portion is invalid. See e.g., paragraph [57] ("If the identifier (e.g., identifier element) that can identify the corresponding document within the supplied document is contained and only the to-be-deleted contents of the corresponding document are contained as the invalid element element, *only the corresponding contents contained within the invalid element name* are preferably deleted." (emphasis added)); paragraph [59] ("Additionally, if the identifier that

can identify the corresponding document within the supplied document is contained and only the to-be-deleted contents of the corresponding document are provided as an attribute notifying the invalidity, *only the corresponding contents among the documents identified by the document identifier* are preferably deleted. " (emphasis added)); and paragraph [61] ("[I]f some or the entire contents of the supplied document are deleted or become invalid, the use of the invalid document or its contents can be reduced or prevented by simply notifying the deleted contents.").

Thus, contrary to the Examiner's assertion, the subject matter of claims 12-15, 20, and 22-70 was fully described in the specification as filed. As such, the rejection of these claims under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claim 65 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states: "Claim 65 recites the limitation 'said fragment' in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim."

Applicants have amended claim 65 to correct this informality. As such, Applicants respectfully request that the rejection of claim 65 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim Rejections – 35 USC § 102

Claims 12-15, 20 and 22-70 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Abajian. Applicants respectfully traverse.

With the invention as claimed, it is possible to gradually update an electronic document by deleting metadata which is no longer valid without having to supply a new the document. This is accomplished by supplying an invalid element which indicates the portion of metadata that is invalid.

For example, Applicants' claim 12 recites, "A method for supplying an electronic document based on XML using a syntax defining a structure of the electronic document, the

method, comprising: supplying from a provider to a client a document including an invalid element to delete a portion of metadata at the client, the portion of metadata related to a television program contained in a previously supplied document, wherein deletion of said portion of metadata related to said television program is accomplished by identifying said portion of metadata in the invalid element." These limitations are not disclosed, taught, or suggested in Abajian.

The purpose and the effect of Abajian are entirely different from the claimed invention. Abajian is directed to Internet searching. In its Background section, Abajian describes that, "A user typically uses a search engine to find specific information on the Internet." Abajian, col. 1, lns. 57-58. Abajian goes on to describe various problems with conventional search engines. See Abajian at col. 2, lns. 5-34. The purpose of Abajian then is to provide a better search engine which yields improved search results. See Abajian at col. 2, lns 35-37. In particular, Abajian discloses a "method and system for grouping metadata search results associated with media on a computer network, such as multimedia and streaming media include binning and iterative masking." Abajian, Abstract. To accomplish this, Abajian describes adding, deleting, or updating the "data (including metadata) associated with a media file in accordance with the requirements of the target search system." See Abajian, col. 14, lns. 62-66. Thus, Abajian relates to computer related information search and retrieval, and specifically to grouping multimedia and streaming media search results.

Abajian fails to disclose, teach, or suggest the limitations as recited in claim 12 including. For example, nowhere in Abajian is there disclosed or taught "supplying from a provider to a client a document including an invalid element to delete a portion of metadata at the client" and "wherein deletion of said portion of metadata related to said television program is accomplished by identifying said portion of metadata in the invalid element" as recited in claim 12. The Examiner recites the following passage from Abajian: "*In an exemplary embodiment of the invention, a streaming media file is retrieved and played to determine it is valid. If determined to be invalid (not successful in step 52), the Internet*

stream object is assigned a later time and priority (column 8 lines 17-22)." Office Action, p. 7. Basically, what this section of Abajian describes is a process for determining if a web page and a media file operate or not. See Abajian, col. 8, lines 13-17 ("In step 52, it is determined if the accessible media file and the associated metadata links are valid. Validation comprises determining if the Web page comprises a link to a desired media file, and also determining if the desired media file works."). But this section of Abajian most certainly does *not* disclose or teach any invalid element, as recited in Applicants' claim 12, which is supplied in a document from a provider to a client "to delete a portion of metadata related to a television program at the client..., wherein deletion of said portion of metadata related to said television program is accomplished by identifying said portion of metadata in the invalid element."

Nor are such limitations of claim 12 disclosed or taught in the section of Abajian further cited by the Examiner in the "Response to Arguments" section of the present Office Action. Here, the Examiner refers to parts of Figures 4 and 6 of Abajian. But neither these parts of Figures 4 and 6 nor the accompanying description disclose any sort of "invalid element" as provided in Applicants' claim 12. The part of Figure 4 of Abajian cited by the Examiner merely discloses that HTML text may be retrieved using see URLs, while the part of Figure 6 cited by the Examiner only discloses that metadata can be replaced. Figures 4 and 6 of Abajian simply do not have any "invalid element," much less an invalid element which is supplied in a document from a provider to a client "to delete a portion of metadata related to a television program at the client..., wherein deletion of said portion of metadata related to said television program is accomplished by identifying said portion of metadata in the invalid element," as recited in Applicants' claim 12. As such, Abajian does not anticipate Applicants' claim 12.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 13-15 depend from claim 12 and include further limitations, the

Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 13-15 be allowed.

Applicants' claim 20 recites, "A method for updating metadata describing a broadcasting program, wherein the metadata is stored in a client, the method comprising: requesting by the client an updated version of said metadata from a provider; receiving from the provider at the client an electronic document based on XML having an invalid element which indicates that a portion of said metadata is invalid; and deleting said portion of said metadata indicated to be invalid by the invalid element at said client." These limitations are not disclosed, taught, or suggested in Abajian.

Abajian does not disclose or suggest whatsoever any "invalid element which indicates that a portion of said metadata is invalid," much less "receiving from the provider at the client an electronic document based on XML having an invalid element which indicates that a portion of said metadata is invalid; and deleting said portion of said metadata indicated to be invalid by the invalid element at said client," as recited in claim 20. Thus, the cited reference does not anticipate claim 20.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 20 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed.

Applicants' claim 22 recites, "A method for updating an electronic document based on XML, wherein said electronic document describes metadata for a television broadcasting program that is stored in a client, the method comprising: requesting by the client an updated version of said electronic document from a provider; receiving from the provider at the client said updated version of said electronic document, said updated version of said electronic document having an invalid element which indicates that at least a portion of said metadata is invalid, wherein said portion of said metadata is identified by the invalid element; and deleting said portion of said metadata identified by the invalid element at said client," and thus includes some limitations similar to claim 20. As discussed above, Abajian does not

disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 22.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 23-27 depend from claim 22 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 23-27 be allowed.

Applicants' claim 28 recites, "A method for updating metadata related to a broadcasting program, wherein the metadata is stored in a client, the method comprising: requesting by the client an updated version for said metadata from a provider; and deleting said metadata at said client when said metadata is indicated to be invalid by an invalid element supplied from said provider, wherein said metadata is identified by the invalid element." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 28.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 28 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 29-35 depend from claim 28 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 29-35 be allowed.

Applicants' claim 36 recites, "A method for updating metadata related to a broadcasting program, wherein said metadata is stored in a client, the method comprising: receiving at a provider a request from said client for an updated version of said metadata; and supplying said client with an invalid element from the provider, the invalid element indicating that said metadata is invalid, wherein said metadata is identified by the invalid element." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 36.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 36 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 37-42 depend from claim 36 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 37-42 be allowed.

Applicants' claim 43 recites, "A method for updating metadata related to a television broadcasting program, wherein said metadata is stored in a client, the method comprising: identifying a predetermined version of said metadata as invalid; receiving at a provider a request for an updated version of said metadata from said client; and supplying said client with an invalid element from the provider, the invalid element indicating that said metadata is invalid, wherein said metadata is identified by the invalid element." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 43.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 43 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 44-49 depend from claim 43 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 44-49 be allowed.

Applicants' claim 50 recites, "A method for processing a response to a request for updating metadata related to a broadcasting program, wherein said metadata is stored in a client, the method comprising: receiving at the client an invalid element from a provider to delete said metadata, wherein said invalid element indicates that said metadata is invalid, wherein said metadata is identified by the invalid element; identifying said metadata identified by said invalid element at said client; and controlling to delete said identified metadata at said client." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 50.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 50 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 51-56 depend from claim 50 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 51-56 be allowed.

Applicants' claim 57 recites, "A method for replying to a request for updating metadata related to a broadcasting program, wherein said metadata is stored in a client, the method comprising: supplying said client with an invalid element from a provider, the invalid element to delete said metadata at the client, wherein said invalid element indicates that said metadata is invalid." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 57.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 57 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 58-63 depend from claim 57 and include further limitations, the Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 58-63 be allowed.

Applicants' claim 64 recites, "A method for processing a response including an invalid element which indicates that metadata stored in a client is invalid in response to a request for updating said metadata, wherein said metadata is related to a television broadcasting program, the method comprising: identifying said metadata by the invalid element at said client; and controlling to delete said identified metadata at said client." Abajian does not disclose or teach such limitations. Thus, the cited reference does not render obvious Applicants' claim 64.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claim 64 under 35 U.S.C. § 102(e) be withdrawn and this claim be allowed. Furthermore, because claims 65-70 depend from claim 64 and include further limitations, the

24

Applicants respectfully request that the rejection of these dependent claims under 35 U.S.C. § 102(e) also be withdrawn and that claims 65-70 be allowed.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7428.

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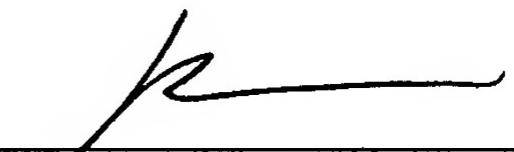
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